

Judge to Admit Key Letters in Navy Spy Case

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SAN FRANCISCO, March 18 — A Federal district judge ruled today that four anonymous letters detailing a Soviet spy ring could be used as evidence against Jerry A. Whitworth at his espionage trial.

The ruling by Judge John P. Vukasin Jr. enables prosecutors to try to convince the jury that Mr. Whitworth wrote the letters, which were received by the Federal Bureau of Investigation in 1984 and were signed "RUS, Somewhere, USA."

An assistant United States Attorney, Leida B. Schoggen, a member of the prosecution team, said the Government had not made a decision on whether to use the letters in the trial.

Defense lawyers were out of their offices and an assistant said they were not available for comment.

Mr. Whitworth has denied writing

the letters and has pleaded not guilty to all charges. A retired Navy communications specialist, he is to go on trial Monday on charges of espionage. He is accused of obtaining and passing technical manuals and guides to Navy communication codes for nearly a decade as part of a spy ring headed by his friend and Navy colleague, John A. Walker Jr.

Walker Pleaded Guilty

Mr. Walker, a retired Navy chief warrant officer, pleaded guilty to espionage charges in Baltimore last October and is expected to be the prosecution's star witness against Mr. Whitworth. His son, Michael L. Walker, a former yeoman aboard the aircraft carrier Nimitz, pleaded guilty to espionage and John Walker's brother Arthur J. Walker, a retired Navy lieutenant commander, was convicted in the spy conspiracy.

Judge Vukasin had initially ruled that the letters could not be admitted at the trial because there was no proof that Mr. Whitworth wrote them. However, he allowed the Government to offer an expert's opinion that the writer of the letters had a style similar to samples of Mr. Whitworth's writings.

The defense had called such an analysis "real voodoo."

The first two of the so-called RUS letters, which were written in May 1984, describe a remorseful spy wishing to "come forward and help break the espionage ring" to "compensate for my wrongdoing, consequently clearing my conscience." In exchange, RUS sought complete immunity from prosecution and protection from public disclosure of his or her identity.

The letters describe a Soviet spy ring in which top secret cryptographic key lists that are used to decode secret military communications and technical manuals were passed by RUS to a "contact" who had been "in the business" for more than 20 years. Prosecutors have argued that these details precisely fit the information Mr. Whitworth is accused of passing to Mr. Walker.

By the fourth letter, RUS said he had decided to drop the plan to help break up the spy ring, and he ended communications with the F.B.I.

In his ruling today, Judge Vukasin said the prosecution had established the "authenticity" of the letters through the "parallel characteristics" between the letters and the facts of the espionage conspiracy when taken as a whole.

He also rejected defense arguments that the letters would unfairly prejudice Mr. Whitworth's case.

"That they may prejudice the defendant is undeniable," Judge Vukasin said. However, he said, there was "no unfair prejudice here."